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11 *Attorneys for Karen L. Easterday,*
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13 *representative of the Estate of Gale A.*
14 *Easterday*

15 UNITED STATES BANKRUPTCY COURT
16 EASTERN DISTRICT OF WASHINGTON

17 In re
18 EASTERDAY RANCHES, INC., *et al.*
19 Debtors¹.

20 EASTERDAY RANCHES, INC. and
21 EASTERDAY FARMS,
22 Plaintiffs,
23 v.
24 ESTATE OF GALE A. EASTERDAY
25 (DECEASED), KAREN L. EASTERDAY,
26 CODY A. EASTERDAY, and DEBBY
EASTERDAY,
Defendants.

Chapter 11
Lead Case No. 21-00141-WLH
Jointly Administered

Adv. Pro No. 21-80050 (WLH)
**NOTICE OF STIPULATED
PROPOSED REVISED
SCHEDULING ORDER**

¹ This case is jointly administered with *In re Easterday Farms*, Case No. 21-00176-WLH11.

1 PLEASE TAKE NOTICE that on December 21, 2021, the court held a
2 hearing (the “Hearing”) in the above-captioned adversary proceeding (the
3 “Adversary Proceeding”). As set forth on the record at the Hearing, the court
4 ordered that the Plaintiffs and Defendants meet and confer regarding a scheduling
5 order and either (a) file a stipulated scheduling order or (b) in the event the
6 Plaintiffs and Defendants cannot agree on the terms of a consensual scheduling
7 order, file competing scheduling orders by January 10, 2022.

8 PLEASE TAKE FURTHER NOTICE that Plaintiffs and Defendants have
9 met and conferred regarding a scheduling order and reached an agreement.
10 Accordingly, Plaintiffs’ and Defendants’ Stipulated [Proposed] Revised
11 Scheduling Order is attached hereto as Exhibit A.

12 Dated: January 10, 2022.

13 IT IS SO STIPULATED:

14 TONKON TORP LLP

15
16 By /s/ Timothy J. Conway
17 Timothy J. Conway, WSBA 52204
18 Ava L. Schoen, Admitted *Pro Hac Vice*
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20 *individually and as personal*
21 *representative of the estate of Gale A.*
22 *Easterday*

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24 By /s/ Jason Rosell
25 Richard M. Pachulski, CA Bar #90073
26 Jeffrey W. Dulberg, CA Bar #181200
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Alan Kornfeld, CA Bar # 130063
Attorneys for Plaintiffs, Debtors, and
Debtors-in-Possession

NOTICE OF STIPULATED PROPOSED REVISED SCHEDULING ORDER - 2

SUSSMAN SHANK

By /s/ Jeffrey C. Misley

Jeffrey C. Misley, WSBA #33397

Attorneys for Cody and Debby Easterday

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NOTICE OF STIPULATED PROPOSED REVISED SCHEDULING ORDER - 3

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12 *individually and as personal representative*
13 *of the Estate of Gale A. Easterday*

14 UNITED STATES BANKRUPTCY COURT
15 EASTERN DISTRICT OF WASHINGTON

16 In re

17 EASTERDAY RANCHES, INC., *et al.*
18 Debtors¹.

Chapter 11

Lead Case No. 21-00141-WLH
Jointly Administered

19 EASTERDAY RANCHES, INC. and
20 EASTERDAY FARMS,

21 Plaintiffs,

22 v.

23 ESTATE OF GALE A. EASTERDAY
24 (DECEASED), KAREN L. EASTERDAY,
25 CODY A. EASTERDAY, and DEBBY
26 EASTERDAY,

Defendants.

Adv. Pro No. 21-80050 (WLH)

**STIPULATED [PROPOSED]
REVISED SCHEDULING
ORDER**

¹ Debtors, along with their case numbers, are as follows: Easterday Ranches, Inc. (21-00141) and Easterday Farms, a Washington general partnership (21-00176).

STIPULATED [PROPOSED] REVISED SCHEDULING ORDER - 1

1 ESTATE OF GALE A. EASTERDAY
2 (DECEASED), KAREN L. EASTERDAY,
3 CODY A. EASTERDAY, and DEBBY
EASTERDAY,

4 Counterclaim Plaintiffs,

5 v.

6 EASTERDAY RANCHES, INC.,
7 EASTERDAY FARMS,

8 Counterclaim Defendants.
9

10 Upon consideration of the Motion for Reconsideration [Adv. Pro. Docket
11 No. 29] and the statements of counsel and the court at the hearing on December 21,
12 2021, in the above-captioned adversary proceeding (Adv. Proc. No. 21-80050, the
13 “Adversary Proceeding”), the Adversary Proceeding will be conducted in three
14 phases as set forth in a separate to-be-entered court order.

15 IT IS HEREBY ORDERED THAT:

16 1. The following deadlines shall apply with respect to Phase 1 of the
17 Adversary Proceeding:

18 a. December 8, 2021: Plaintiffs’ deadline to file an amended
19 complaint (the “Amended Complaint”) and/or answer to the counterclaims asserted
20 by Defendants [Adv. Proc. Docket Nos. 14 and 15].

21 b. December 22, 2021: Defendants’ deadline to answer the
22 Amended Complaint.

23 c. January 12, 2022 at 11:00 a.m. (Pacific Time): Telephonic
24 status conference.

25 d. February 16, 2022 at 11:00 a.m. (Pacific Time): Telephonic
26 status conference.

STIPULATED [PROPOSED] REVISED SCHEDULING ORDER - 2

- 1 e. March 4, 2022: Deadline to identify testifying experts.
- 2 f. March 16, 2022 at 11:00 a.m. (Pacific Time): Telephonic status
- 3 conference.
- 4 g. March 17, 2022: Close of fact discovery.
- 5 h. March 18, 2022: Reports of testifying experts must be served.
- 6 i. April 8, 2022: Close of expert depositions.
- 7 j. Seven Days Before Final Hearing: Pretrial briefing, witness
- 8 lists, and exhibit lists must be filed and served.
- 9 k. Three Days Before Final Hearing: Declarations with direct
- 10 testimony of fact and expert witnesses must be filed and served.
- 11 l. April 15, 2022 at 11:00 a.m. (Pacific Time): Telephonic status
- 12 conference.
- 13 m. April 18, 2022 at 9:30 a.m. (Pacific Time): In-person trial
- 14 begins and continues day-to-day or as otherwise scheduled by the court until
- 15 complete (the “Final Hearing”).
- 16 2. Written responses to Interrogatories, Requests for Admission, and
- 17 Requests for Production shall be due no later than 14 days from service thereof.
- 18 All such written responses may be served by electronic mail. Documents shall be
- 19 due no later than 30 days from service of Requests for Production. All such
- 20 documents may be served electronically.
- 21 3. The court may modify the deadlines set forth herein for cause upon
- 22 motion by any party.
- 23 4. The parties may modify the discovery deadlines set forth herein by the
- 24 agreement of Plaintiffs and Defendants without further court approval.
- 25 5. The court shall retain exclusive jurisdiction with respect to all matters
- 26 arising from or related to the implementation of this order.

STIPULATED [PROPOSED] REVISED SCHEDULING ORDER - 3

1 /// END OF ORDER ///

2 IT IS SO STIPULATED:

3 TONKON TORP LLP

4
5 By /s/ Timothy J. Conway
6 Timothy J. Conway, WSBA 52204
7 Ava L. Schoen, Admitted *Pro Hac Vice*
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24 Presented by:

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Easterday

STIPULATED [PROPOSED] REVISED SCHEDULING ORDER - 4

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NOTICE OF STIPULATED PROPOSED REVISED SCHEDULING ORDER** was served on:

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CERTIFICATE OF SERVICE - 1

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8 Attorneys for Cody Easterday and
9 Debby Easterday

- 6 ☐ by faxing a copy thereof to each attorney at his last-known facsimile
7 number on the date set forth below;
- 8 ☐ by mailing a copy thereof in a sealed, first-class postage prepaid envelope,
9 addressed to each attorney's last-known address and depositing in the U.S.
10 mail at Portland, Oregon on the date set forth below;
- 11 ☒ by causing a copy thereof to be e-mailed to each attorney at said attorney's
12 last-known email address on the date set forth below;
- 13 ☐ by causing a copy thereof to be hand-delivered to said attorneys at each
14 attorney's last-known office address on the date set forth below;
- 15 ☐ by sending a copy thereof via overnight courier in a sealed, prepaid
16 envelope, addressed to each attorney's last-known address on the date set
17 forth below.

16 Dated: January 10, 2022.

17 TONKON TORP LLP

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19 By /s/ Timothy J. Conway
20 Timothy J. Conway, WSBA 52204
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